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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

TANNER SIMS,

Defendant and Appellant.

A140194

(Alameda County
Super. Ct. No. H53943)

Defendant Tanner Sims timely appealed from an order continuing his probation after he was found to have violated its terms. His counsel has asked this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) We find no arguable issues and affirm.

Sims was charged by felony complaint in March 2013 with two firearms counts, with allegations that the crimes were serious felonies and done in furtherance of gang activity. On May 1, Sims pleaded no contest under a plea agreement to one felony count of carrying a loaded firearm in a public place in violation of Penal Code section 25850, subdivision (a). The trial court placed him on five years' probation.

About a month and a half later, the People filed a petition to revoke probation based on allegations that Sims resisted a police officer in violation of Penal Code section 148, subdivision (a)(1). At a contested hearing held on September 26, an officer with the Alameda County Sheriff's Department testified that he arrested Sims after being dispatched for a report of a suspect brandishing a weapon. Sims matched the description of the suspect, and he ran after making eye contact with the officer and being told at

gunpoint to stop. The officer eventually found Sims in the bedroom of a nearby San Leandro residence, and Sims started yelling, kicking, and thrashing his body when officers tried to place handcuffs on him, injuring a deputy in the process. Sims testified and explained that no one said anything to him before he started to run, and he fled because he was afraid of the police and did not want to return to jail. He denied that he resisted officers, and he testified that officers put him into a “lock” that prevented him from breathing, and they hit him in the face to the point where he was bleeding. The trial court revoked Sims’s probation after finding that Sims had violated its terms, and it then reinstated probation on the same terms and conditions.

Sufficient evidence supports the trial court’s finding that Sims violated the terms of his probation (*People v. Rodriquez* (1990) 51 Cal.3d 437, 446-447), and the court did not abuse its discretion in deciding to reinstate Sims on probation on the same terms and conditions. (*People v. Kelly* (2007) 154 Cal.App.4th 961, 965.) There are no meritorious issues to be argued on appeal.

The trial court’s order continuing Sims on probation is affirmed.

Humes, J.

We concur:

Reardon, Acting P.J.

Rivera, J.